

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM WAYNE WHITWORTH	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00385
	)	
VERIZON WIRELESS	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Verizon Wireless ("Verizon") is hereby notified that it has been named as defendant in a formal complaint filed on September 21, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Verizon is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 28th day of September, 2005.

By the Commission

ATTEST:



Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

William Wayne Whitworth

\_\_\_\_\_  
(Your Full Name)

COMPLAINANT

VS.

Verizon Wireless

\_\_\_\_\_  
(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of William Wayne Whitworth respectfully shows:  
(Your Full Name)

- (a) William Wayne Whitworth  
(Your Full Name)  
7724 Sundance Drive, Apt D, Louisville, Ky 40222  
\_\_\_\_\_  
(Your Address)
- (b) Verizon Wireless  
(Name of Utility)  
777 Big Timber Road, Elgin, IL 60123  
\_\_\_\_\_  
(Address of Utility)

- (c) That: **DEFENDANT** (Verizon Wireless) engaged the services of Diversified Consultants, Incorporated (DCI) in January 2005 to collect a disputed debt from the **COMPLAINANT** (William W. Whitworth), and that DCI acted as an authorized Verizon Agent to settled disputed claims. Further, DCI acknowledged themselves as a consulting company retained by **DEFENDANT** with full authority to investigate and resolve billing disputes as in the case of the **COMPLAINANT**. **COMPLAINANT**, in good faith, tendered payment in the amount of 50% of the disputed amount under the terms noted in the attached letter of 20 January 2005.

Continued on Next Page

RECEIVED

SEP 21 2005

PUBLIC SERVICE COMMISSION

CASE 2005-00385

Formal Complaint

William W. Whitworth

vs.

Verizon Wireless

Page 2 of 2

DCI accepted payment in the amount of \$250.53 on 18 January 2005 as full and final payment for all debts, claims, and outstanding balances; and agreed that derogatory information would not be reported to any Credit Reporting Agency. Delivery of the Agreement to DCI was confirmed by FAX Logs at 11:25 and 13:49 respectively on 20 January 2005.

Wherefore, complainant asks

**DEFENDANT** to abide by the DCI Agreement of 20 January 2005 in its entirety. This shall include removal and correction to all credit reporting agencies of derogatory information.

Dated at Louisville

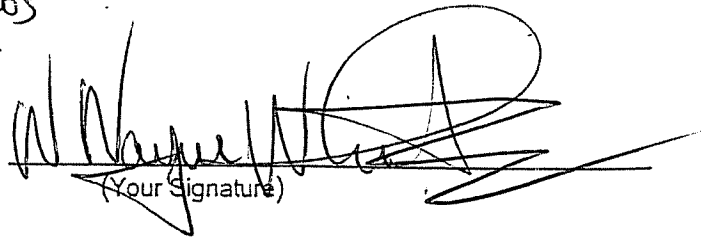
Kentucky, this 16 day

of

Sept  
(Month)

19

2005

  
(Your Signature)

(Name and address of attorney, if any)

## 807 KAR 5:001. Rules of procedure.

### Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

#### (4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

## 807 KAR 5:001. Rules of procedure.

### Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant) )  
Complainant )  
vs. ) No. \_\_\_\_\_  
(Insert name of each defendant) ) (To be inserted by  
Defendant ) the secretary)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

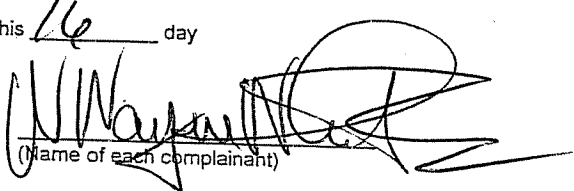
(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at Louisville, Kentucky, this 16 day  
of Sept 18 2005.

  
(Name of each complainant)

\_\_\_\_\_  
(Name and address of attorney,  
if any)



EQUAL OPPORTUNITY M/F/D

W. Wayne Whitworth  
3009 Pebble Brook Court  
Jeffersonville, IN 47130

Diversified Consultants Incorporated  
10550 Deerwood Park Blvd  
Building 708  
Jacksonville, Florida 32256  
Attn: Ms. Genie Parker

**FAXED TO:**

*Please acknowledge receipt to:*

**RE: (1) Verizon Wireless A/C**

**(2) Bank One Transaction**

**amount of \$250.53**

Dear Ms. Parker:

This letter will confirm my conversation of 14 January 2005 with your Mr. Hugh Nichols and his supervisor regarding collection on the above referenced Verizon account. Further, this will provide you with an overview of my position with Verizon as a consumer and former customer under their account.

I have disputed every bill Verizon has issued since January 2004. My reason for dispute has been inaccurate billings to calls that could not have taken place from either of the phones listed on my account; roaming charges invoiced while in my home calling area; dropped calls that of one minute or less in duration; alleged calls made to numbers that are unknown or not in service; inaccurate rate plan billings; and calls listed as originated or received to 000-000-0000 phone numbers. I have made payments to Verizon with the understanding that my disputed claims would be looked into and resolved and in good faith waited for adjustments to my account that have never been posted. Verizon has failed to also provide me with the detailed documentation that I have requested regarding my call history and provide me with a rationale explanation on why I could be billed for calls originating from a city over 95 miles away (i.e. Bowling Green, KY).

I have, in good faith and while waiting for Verizon to issue credits to my account, made the following payments ALL OF WHICH WERE AND STILL ARE UNDER DISPUTE:

Date	Amount Paid
11/12/03	\$600.00
11/20/03	\$314.08
01/08/04	\$274.28
02/21/04	\$369.13
04/21/04	\$464.50
07/14/04	\$721.83



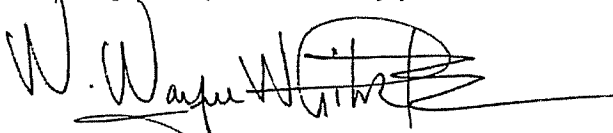
Diversified Consultants  
Ms. Genie Parker  
20 January 2005

Page 2

I firmly believe that I have overpaid Verizon in total. My payment to you in the amount of \$250.53 as noted above is offered as total and complete release of all liabilities, claims, and debts due Verizon and an agreement that negative information will not be reported to credit reporting agencies, past, present, or future. Additionally, this payment is NOT in any way an admission of liability, debt, or obligation to Verizon, in whole or part, for any alleged prior balances due on my account. I am simply making this good faith payment in the interest of time and energy and to move on to more important matters. I trust Verizon will do the same.

Please acknowledge receipt of this letter that I am sending via fax to: . A  
confirmation and release of claims and liability due Verizon is requested within 14 days  
of this letter.

Respectfully and sincerely yours,

A handwritten signature in black ink, appearing to read 'W. Wayne Whitworth', with a long horizontal flourish extending to the right.

W. Wayne Whitworth

**Facsimile Transmission****To : WILLIAM WHITWORTH****Fax Number:****From : JP MORGAN CHASE BANK****Date & Time: 08/16/05 15:02:00****Number of Pages Including this cover sheet: 5****Dear Customer,**

**Enclosed please find the copy of the item(s) you requested. If you have further questions or need additional assistance, please call the appropriate service number listed below. Or, you may contact your banker directly.**

**We're always happy to provide you with a copy of your item(s), whenever you need it. Please note, a fee may apply for this service.**

**Thank you for banking with us.**

**Sincerely,**

**JPMorgan Chase Bank, N.A.**

**To Contact Us:**

**Commercial Accounts: Call your local Client Services Professional**

**Consumer Accounts:****Chase customers in TX, NY, NJ & CT:**

**Personal Accounts: 1-800-935-9935**  
**(From area codes 212, 516, 585, 718 and 914,**  
**just call 935-9935.**

**Within Houston call 713-216-7000)**

**Small Business Accounts: 1-800-242-7338 (1-800-CHASE38)**

**Spanish: 1-800-935-9935 press 2**

**Hearing Impaired: 1-800-242-7383 (1-800-CHASETD)**

**All other customers:**

**Personal Accounts: 1-877-226-5663**

**Small Business Accounts: 1-800-404-4111**

**Spanish: 1-888-226-5663**

**Hearing Impaired: 1-888-663-4833**

NNNT 1 0 04 24756

WILLIAM W WHITWORTH

Acct #

Jan 7 through Feb 4, 2005

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**Deposits and other additions**

---

*Date Description*

---

01-18

---

01-28

---

02-04

---

---

*Interest paid in 2004 for account*

\$ 9.29.

***Fees and charges*** Your monthly service fee was waived because you maintained a positive minimum balance during the statement period and had Direct Deposit activity.

NNN T 1 0 04 24755

WILLIAM W WHITWORTH

Acct #

Jan 7 through Feb 4, 2005

Page 2 of 3

## Other withdrawals including charges and fees

Description		
01-14		
01-18	Card Purchase	01/14 Diversified Consulta Jacksonville FL 250.53

continues

### ***In case of errors or questions about your electronic funds transfers***

Telephone or write Bank One (phone # and address on front of statement) if you think your statement is wrong, or if you need more information about a transaction listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the first statement on which the problem or error appeared. Be prepared to give us the following information:

- your name and account number
- the dollar amount of the suspected error
- a description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will recredit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

### ***In case of errors or questions about non-electronic transactions***

Contact Bank One immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, we must hear from you no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules & Regulations that govern your account at Bank One.

### ***Billing rights summary***

#### ***In case of errors or questions about your bill***

If you think your bill is wrong, or if you need more information about a transaction on your bill, write us on a separate sheet of paper at the address listed on the front of your statement as soon as possible. We must hear from you *no later* than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights.

In your letter, give us the following information:

- your name and account number
- the dollar amount of the suspected error
- describe the error and explain, if you can, why you believe there is an error; if you need more information, describe the item you are unsure of
- your signature and the date

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

#### ***Special rule for credit card purchases***

If you have a problem with the quality of goods or services that you purchased with a credit card and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.)

### ***Balancing your checkbook***

Use the following worksheet to reconcile your checking account. If you need help balancing your checkbook, call the customer service number on the front of this statement.

Mark in your checkbook all additions and subtractions reported in your checking account statement.

**1 Write in the ending balance shown on this statement.**

\$ \_\_\_\_\_

**2 List all deposits and other additions** (such as transfers) not shown on this statement and add the total to the ending balance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total > +\$** \_\_\_\_\_

**3 List all withdrawals and other subtractions** (such as outstanding checks and banking card transactions) not shown on this statement. Then subtract this total from the ending balance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total > -\$** \_\_\_\_\_

**4 After you figure in all the additions and subtractions, this amount should match the current balance in your checkbook.**

**= \$** \_\_\_\_\_



Member FDIC

NNN T 1 0 04 24754

Bank One  
 Kentucky Market  
 P.O. Box 260180  
 Baton Rouge, LA 70826-0180



WILLIAM W WHITWORTH  
 3009 PEBBLE BROOK CT  
 JEFFERSONVILLE IN 47130-6793

Acct # 0

Jan 7 through Feb 4, 2005

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**To Contact Bank One**

**By Phone:** 1-877-226-5663  
**Para Espanol:** 1-888-226-5663  
**Hearing Impaired:** 1-888-663-4833  
**Internet:** www.BankOne.com

BANK ONE IS A DIVISION OF JPMORGAN CHASE BANK, N.A.

**BANK ONE AT WORK CHECKING**

	Amount
Interest earned this statement period	
Annual Percentage Yield Earned this statement period	0.15%
Interest paid this year	
Beginning balance	
Checks paid	
Other withdrawals	
Deposits	
Balance as of Feb 4	

**Checks paid**

Number	Amount	Date paid	Number	Amount	Date paid
			Total		

\* Checks may not appear on your bank statement because they have not yet cleared, appeared on a previous statement, or cleared as an electronic withdrawal and will be listed under the "other withdrawals" section of your statement. Some Online Bill Payment transactions are assigned six-digit check numbers and appear under "checks paid" causing non-sequential check numbers.

**Other withdrawals including charges and fees**

Date	Description
01-07	
01-10	
01-10	
01-12	
01-12	

continues

February 08, 2005

Item Detail

Long Distance Services-ELD Only FOR: Whitworth, W

Date	Time	From Number	From Place	To Number	To Place	Duration	Amount
Jan 05	13:11		LOUISVILLE KY		LITTLE ROCK AR	5	0.35
Jan 06	16:32		LOUISVILLE KY		MASON OH	1	0.07
Jan 20	11:25		LOUISVILLE KY		JACKSONVTL FL	1	0.07
Jan 20	13:49		LOUISVILLE KY		JACKSONVTL FL	1	0.07
Jan 26	9:26		LOUISVILLE KY		CHESHIRE CT	1	0.07
TOTAL Long Distance Services-ELD Only:							9
TOTAL FOR: Whitworth, W							0.63